IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 13146 of 2004

Between:

Khaja Jaleeluddin, s/o late Khaja Mohiuddin,
r/o H.No.2-4-473, Aliabad Street, Bodhan,
Nizamabad District. **.... PETITIONER**

AND

1 The Govt. of A.P., represented by its Principal Secretary, Miniroties Welfare Department, Secretariat Buildings, Hyderabad.
2 The District Collector, Nizamabad.
3 Khaja Mohiuddin, s/o late Khaja Khaleeluddin,
Jalal Bukhari Road, Bodhan, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularlyone in the nature of writ of mandamus, declaring the action of the 1st respondent in not taking any action against the 3rd respondent in removing him as Government Qazi of Bodhan Nizamabad District and later considering the case of the petitioner for appointment to the office of Government Qazi Bodhan, Nizamabad District pursuant to the recommendation made in Lr.No.E4/DWC/NZB/53/92, dt.17-6-2004 by the 2nd respondent as illegal, arbitrary, and consequently direct the 1st respondent to finalise the entire proceedings pertaining to the misuse of office of Government Qazi Bodhan, Nizamabad District by the 3rd respondent and also pertaining to considering the case of the petitioner for appointment to the office of Government Qazi Bodhan, Nizamabad District in the place of the 3rd respondent forthwith.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR SOCIAL WELFARE

For the Respondent No.3: None appeared.

The Court made the following :

O R D E R :

The petitioner herein, who claims to be resident of Bodhan, Nizamabad district, filed this Writ Petition seeking *inter alia* for a Writ of Mandamus declaring action of the first respondent herein in not taking final action against third respondent, against whom certain proceedings have been initiated, and further in not considering petitioner's case for appointment to the said office of the Government Qazi of Bodhan, Nizamabad district in pursuance of the recommendations made by the second respondent on 17.06.2004.

Having heard both sides and also on perusal of material on record, it is seen that there is no dispute in regard to the fact that in view of certain allegations forthcoming against third respondent herein, enquiry was made and enquiry report has been submitted, which is now pending with the respondents 1 and 2. Thereafter, the first respondent issued show-cause notice to the third respondent on 22.05.2004 and no final orders have been passed though the third respondent had filed his explanation on 29.05.2004 itself.

However, it is to be noted that inspite of serious allegations made against the third respondent and issuance of show-cause notice and filing explanation, there is no valid explanation forthcoming for keeping the proceedings pending without any final orders being passed thereon. Office of the Government Qazi is a very important one, apart from having religious duties, etc. Any further delay in this regard, is really deprecated. The petitioner, in fact, only seeks a direction to finalise the proceedings and pass final orders in this regard. Therefore, as long as no action is taken finally against the third respondent, the petitioner's case for appointment as Qazi can not be considered inspite of recommendations made in his favour in this regard.

In the circumstances, in the interest of justice it is suffice to direct the first respondent herein to take up the proceedings and pass final orders as expeditiously as possible. This Writ Petition is accordingly disposed of. No costs.

14.09.2004

DRK

Copy to:

1 The Govt. of A.P., represented by its Principal Secretary, Miniroties Welfare Department, Secretariat Buildings, Hyderabad.
2 The District Collector, Nizamabad.
3 Two CCs to the G.P. for Social Welfare, High Court buildings, High Court of A.P., Hyderabad (o.u.t.).

4 Two CD copies.